UNITED STATES DISTRICT COURT FILED DISTRICT OF MASSACHUSETTS FRES OFFICE

2005 APR -8 P 12: 55

U.S. DISTRICT COURT DISTRICT OF MASS

Frank Lill & Son, Inc.,

Plaintiff,

v.

Civil Action No. 05-10122 RGS

Medical Area Total Energy
Plant, Inc.,

Defendant.

AMENDED ANSWER OF DEFENDANT MEDICAL AREA TOTAL ENERGY PLANT, INC.

Now comes the defendant, Medical Area Total Energy Plant, Inc. (MATEP) and amends as of right its answer, filed on April 1, 2005 in the above-captioned case, pursuant to Mass.R.Civ.P. 15(a), by adding the following sixth affirmative defense.

SIXTH AFFIRMATIVE DEFENSE

70. The complaint fails to state a claim upon which relief can be granted. Without limiting the generality of the foregoing, the complaint in Counts IV and V fails to state a claim upon which relief can be granted.

Respecfully Submitted, MEDICAL AREA TOTAL ENERGY PLANT, INC., Defendant

By its attorneys,

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вво #**3(**444**4/**0

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April 7, 2005

I hereby certify that a popy of the above attorney of and on April 7, 2005. document was served, record for each more